

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-7 and 25 are pending in the application. No claim amendments are presented, thus, no new matter is presented.

In the outstanding Official Action, Claims 1-7 and 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over Aotake (U.S. Patent No. 6,411,771) in view of Proehl et al. (U.S. Patent No. 6,118,450, hereinafter “Proehl”).

Applicant notes that Aotake qualifies as prior art only under 35 U.S.C. § 102(e), as the present application priority date predates the issue date of Aotake. To the extent the rejections above apply to the present claims, Applicant respectfully traverses the rejections.

As Aotake is § 102(e) art, the obviousness rejection is deficient under 35 U.S.C. § 103(c) as explained below.

Applicant submits that the present application and the Aotake reference were, at the time the present invention was made, owned by, or subject to an obligation of assignment to Sony Corporation. Accordingly, application of the Aotake reference in this obviousness rejection is improper.¹

As all the rejections of record rely on Aotake, Applicant respectfully submits these rejections are traversed as Aotake may not be applied as a basis for supporting a *prima facie* case of obviousness as outlined by 35 U.S.C. § 103(c).

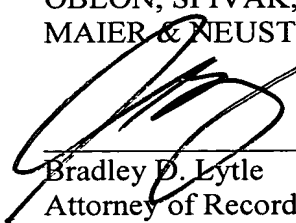
¹ Applicant notes that the filing date of the present application is after November 29, 1999, therefore bringing the present application under the current guidelines for 35 U.S.C. § 103(c) for excluding 102(e) art.

Application No. 09/556,949
Reply to Office Action of May 18, 2006

Accordingly, in view of the present amendment, no further issues are believed to be outstanding and the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Andrew T. Harry
Registration No. 56,959

I:\ATTY\ATH\PROSECUTION\20's\203722-US\203722US-RESP 8-18-06.DOC